



## Utah Supreme Court's Advisory Committee on the Rules of Professional Conduct

### Meeting Minutes

February 6, 2023

Utah Law and Justice Center & Zoom

4:00 pm Mountain Time

*Cory Talbot, Chair*

**Attendees:**

Cory Talbot (Chair)  
Ashley Gregson  
Jurhee Rice  
Adam Bondy  
Ian Quiel  
Alyson McAllister  
Robert Gibbons  
Hon. Amy Oliver  
Hon. James Gardner  
Austin Riter  
Dane Thorley  
Lynda Viti  
Gary Sackett (emeritus)  
Christine Greenwood (ex officio)  
Billy Walker (ex officio)  
Hon. M. Alex Natt, Recording  
Secretary

**Staff:**

**Guests:**

Excused: Mark Nickel, Jacqueline  
Carlton, Julie J. Nelson, Hon. Trent  
Nelson, Hon. Craig Hall; Beth  
Kennedy

## **1. Welcome, Approval of the January 2, 2024 meeting minutes (Chair Talbot)**

Chair Talbot recognized the existence of a quorum and called the meeting to order at 4:10 p.m. The Committee welcomed new member Lynda Viti and pursuant to the Committee's rules, the Chair asked each member to introduce themselves.

Chair Talbot asked for a Motion to approve the January 2, 2024 meeting minutes. Ms. McAllister moved for approval. Mr. Hales seconded. The Motion passed unanimously.

## **2. ABA Request for Input on Amendments to Rule 5.5 (Chair Talbot)**

The Committee noted that the ABA was asking various jurisdictions to provide input to possible changes to Rule 5.5 which would increase permissible cross-border practice of law. The ABA has not suggested any course of action. The Committee did not feel that it was appropriate for it to provide the requested guidance at this time. The Chair indicated he would seek further guidance from the Supreme Court in his next meeting with that body.

## **3. Mandatory Nature of Rule 14-301 and the Attorney Oath (Chair Talbot)**

The Chair noted that there had been some question regarding whether the Rule is written in a manner that indicates that the dictates of the Rule and the standards contained therein are mandatory which the Supreme Court (and the Committee) recognizes is the case. The Committee noted that the Rule doesn't appear to contain discretionary language. The Committee has been asked review the Rule and standards to ensure they are not perceived to be simply aspirational. The Chair appointed a subcommittee to review the Rule to ensure the language does not lead a reader to believe it is simply aspirational. Judge Oliver was appointed to lead the subcommittee with Judge Natt and Ms. Viti as members.

## **4. Update on Rule 7.1 Discussions**

Mr. Gibbons updated the Committee on Rule 7.1. He met with a member of the ACLU and prior versions of the Rule spoke to pecuniary interest language. Mr. Gibbons adduced his support adding back in the language regarding pecuniary interest language to the current Rule. Discussion ensued regarding a legislative proposal to amend U.C.A 13-68-401 that might affect the Committee's position on Rule 7.1. The Committee noted that the Supreme Court has plenary authority over the practice of the law within the State of Utah. Judge Oliver noted that the Judicial Council is the proper entity to address any issues with the Bill. The Committee decided to await the outcome of the legislative session to take any further action on Rule 7.1.

The next meeting of the Committee is March 5, 2024.

The meeting adjourned at 4:59 p.m.